



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenji YAO et al.

Group Art Unit: 1732

Application No.: 10/014,566

Examiner: S. Lechert

Filed: April 29, 2004

Docket No.: 111458

For: POLYMER COMPOUND, PROCESS FOR PRODUCING THE SAME, MOLDED ARTICLE AND PROCESS FOR PRODUCING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 29, 2004 Restriction Requirement, Applicant provisionally elects Group I, claims 1-5 and 7-10, with traverse.

The Restriction Requirement is traversed because the claims of Groups I and II are drawn to sufficiently inter-related inventions to warrant examination thereof in a single application. Group I is drawn to a polymer compound, a process for producing a polymer compound and a molded polymer compound. Group II is drawn to a molded polymer compound produced by coating.

In the present application, the sole claim of Group II includes all of the limitations of the product of Group I. In particular, all of the limitations of the independent claim 4 of Group I are incorporated into the claim 6 of Group II, which depends from claim 4. Thus, to streamline prosecution and avoid delay, the Restriction Requirement should be withdrawn to permit

concurrent examination of Group II, claim 6, with Group I, claims 1-5 and 7-10. Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

The Restriction Requirement is also traversed because the claims of Groups I and III are drawn to sufficiently inter-related inventions to warrant examination thereof in a single application. Group I is drawn to a polymer compound, a process for producing a polymer compound and a molded polymer compound. Group III is drawn to a process for using the polymer compound to produce a molded article.

Where product and process claims are presented in the same application, Applicant may be called upon under 35 U.S.C. §121 to elect claims to either the product or process. MPEP §821.04. However, in the case of an elected product claim, rejoinder will be permitted when a product claim is found allowable and the withdrawn process claim depends from or otherwise includes all the limitations of an allowed product claim. Id.

In the present application, the process claims of Group III include all of the limitations of the product of Group I. In particular, all of the limitations of the independent product claim 1 of Group I are incorporated into the independent process claim 11 of Group III.

Since the process claims of Group III include the limitations of the product claims of Group I, the process claims must be rejoined with the product claims once the product claims are allowed. Thus, to streamline prosecution and avoid delay, the Restriction Requirement should be withdrawn to permit concurrent examination of all of the pending claims. Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an

entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,



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